**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.5059 OF 2006**

**Dated: 14-03-2006**

**Between**

Bandreddy Lakshmi, W/o. Gangarao,

R/o. H.No.1-55-2/1 & 2, FCI Colony,

Tadepalligudem Mandal,

West Godavari District.

...PETITIONER

**AND**

State of A.P., rep. By its Principal

Secretary, Municipal & Urban

Development Department, Secretariat,

Hyderabad and another.

...RESPONDENTS

**ORDER:**

This writ petition is filed to declare the action of the respondents in marking the portion of the petitioner's house bearing No.1-55-2/1 and assessment No.6545 up to 10 feet from Road No.1 FCI colony in Tadepalligudem municipal limits with a direction to demolish the same for road widening as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the site and house property admeasuring 187.75 sq. yards with Door No.1-55-2/1 adjoining Road No.1, FCI Colony in 33rd ward of Tadepalligudem municipality having purchased the same under a registered sale deed dated 21.02.2000. He further submits that the petitioner never encroached into any portion of the road. While so, on 09.03.2006 the employees of the second respondent visited the house of the petitioner and started marking his house to an extent of 10 feet depth from his compound wall and thereby asked him to remove the marked portion within a week or else the authorities would demolish the same for the purpose of road-widening.

The main grievance of the petitioner is that the respondents have not issued any notice before deciding to demolish the said premises and they are trying to demolish the building for the purpose of widening the road without acquiring the property under Land Acquisition Act and without following the due procedure prescribed under law and without paying any compensation, which action is utter violation of principles of natural justice.

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law.

Having regard to the facts and circumstances of the case,
the respondents are directed not to demolish the structures or take away any portion of the property of the petitioner and not to dispossess him without following due process of law either by way of private negotiations or by way of acquiring the said land by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 14, 2006

DSK